

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
David Houze et al.

Atty. Ref: NOPH/100/JGK

ATTN: Office of Petitions

Serial No.: 09/768,831

Filed: January 24, 2001

For: COMPOSITIONS AND METHODS FOR DRUG DELIVERY

**PETITION TO ACCEPT MISSING ITEMS IN RESPONSE TO NOTICE OF
INCOMPLETE NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Petition is in response to a Notice of Incomplete Nonprovisional Application mailed March 12, 2001 (reciting that Specification was not received with the Continuation application as deposited).

A patent application transmittal form and fee transmittal form for a continuation application, with a copy of the prior parent disclosure and oath and declaration, and a copy of a petition for extension of time for the parent, was sent by Express Mail on January 24, 2001. After several telephone calls with the Initial Patent Examination Division in response to the Notice of Incomplete Nonprovisional Application, applicant was informed that only 16 pages of the 36 page specification had been found as the specification was somehow separated from all the other documents mailed in the same package. Although Applicant submitted a copy of the parent disclosure with claims, it is Applicant's understanding that pursuant to Box 18 on the patent application transmittal form, incorporation of the prior disclosure can be relied upon if a portion is missing.

It is respectfully requested that this Petition to accept the enclosed disclosure (specification with claims, abstract and drawings) be accepted and that a filing date of January 24, 2001 be granted for the continuation application.

The Commissioner is hereby authorized to immediately charge the payment of the petition fee of \$130.00, as required by, 37 C.F.R. 1.17(i), to Deposit Account No. 500511. The Commissioner is further authorized to immediately charge any additional fees or credit any overpayment or refund to Deposit Account No. 500511.

Date: May 14, 2001

Respectfully submitted,

Jay G. Kolman

Jay G. Kolman

Registration No. 43,727

Noven Pharmaceuticals, Inc.

11960 S.W. 144 Street

Miami, FL 33186

Tel: (305) 253-5099

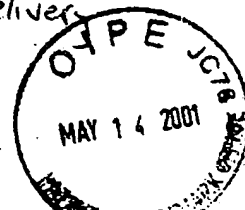
Fax: (305) 251-1887

NOPH/100/JGK

S.N. 09/768,831

Compositions & Methods for Drug Delivery
David Houze et al.

Filed: January 24, 2001



Ends.

- Petition to Accept Missing Items (with Spec, ~~Handwritten~~ Drawings)
- Notice of Incomplete Nonprovisional App.
- New Oath & Declaration
- Fee payment

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FROM: (PLEASE PRINT)

Jay G. Kolomo
Noven Pharmaceuticals, Inc
11960 SW 14th Street
Miami, FL 33156

PHONE 305-251-1887

TO: (PLEASE PRINT)

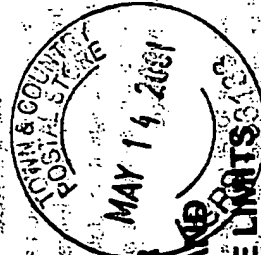
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SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND
INSURANCE COVERAGE LIMITS



① Petition
② Prelim. Amendment

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FACSIMILE TRANSMISSION COVER/MESSAGE PAGE

PLEASE DELIVER THE FOLLOWING 5 PAGES (INCLUDING THIS PAGE)

TO: Ms. Stokes, OIPE

FROM: Jay G. Kolman, Esq.

DATE: January 7, 2002

RE: SN 09/768,831
Our Docket No. NOPH/100/JGK
Copy of Petition to Accept Missing Items

IF YOU FAIL TO RECEIVE ALL THE PAGES INDICATED OR HAVE ANY PROBLEM WITH RECEIVING THIS FACSIMILE, PLEASE CALL (305) 964-3317 AND ASK FOR:

Kathy Hoyt

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RECIPIENT'S FACSIMILE NUMBER: 1-703-308-7751

MESSAGE/COMMENTS:

In accordance with our telephone conversations of today, attached is a copy of the Petition to Accept Missing Items, which was filed on May 14, 2001, along with a copy of the stamped postcard and Express Mail receipt.

Thank you,

Kathy Hoyt